

788

HATE CRIME TRAINING

This document contains training information to be used by campus police agencies and advocacy organizations to improve the accuracy and reliability of hate crime reports and hate crime investigations. It discusses reasons for training, objectives of training, methods for training and investigation, coordination with other agencies, differences between group and individual hate crimes, hate crime reporting systems, model policies, and other training issues. It also presents reasons why collecting data on hate crimes and bias incidents should be an integral element of a college or university plan for dealing with hate crimes and bias incidents.

REASONS FOR TRAINING

This section covers reasons for hate crime training, objectives, methods, and special problems. Training is necessary because of the complexity, intensity, and significance of hate crime.

Hate crimes carry with them serious emotional issues that are far-reaching for both the victims themselves and for the members of the community in which the crimes occur. Fear is an emotion that surfaces and it promotes frustration which develops into anger and hostility. These emotions are often vented towards the people who are trying to help the victim, such as the local law enforcement authorities.

There are imperative reasons why the role of the police officer is so consequential. Victims of hate suffer possible serious and long lasting traumatic stress which could be increased by an inappropriate law enforcement response. Because of the traumatic effects of hate crime, officers must be prepared to respond to an offense in a caring way. Police officers must be sensitive to the cultural diversity of the victim. The elements of a bias crime must be understood by the responding officers so that accurate investigation is achieved. That is one reason why law enforcement professionals need to be provided training on crimes motivated by race, religion, national origin, sexual preference, and handicap status. Secondly, hate crime, more than any other crime, tends to promote fear and outrage with members of the community. It can fragment the sense of academic community on any campus and poison its learning environment.

Because bias incidents especially terrify and damage victims, law enforcement officers need training to consider the targets as victims who need special consideration. That is one reason why advocate organizations are so important—to help deal with the special circumstances of hate crime. Police officers need to understand this role for campus organizations. Such organizations advise and counsel victims and/or witnesses of hate crime. These groups offer crisis intervention, psychological and social support, shelter, assistance with filing complaints, and much more. Advocates can also bring about better relationships between the campus community and police through planned programs and open dialogue between law enforcement and the community it serves.

TRAINING OBJECTIVES

The most effective and efficient method for campus police to deal with hate crimes is to develop and implement a hate crime training program. Training requirements reduce limitations of ad hoc responses. It will also increase uniformity and appropriateness of those responses. Training and education are important parts of contemporary campus law enforcement efforts. Law enforcement chief executives

must ensure that all law enforcement officers under their command receive appropriate training in each operational area set forth in hate crime training. These training objectives should cover the basic elements of criminal investigation, arrest, search and seizure, criminal law, assisting victims of violent crimes and police community relations.

Training is needed for both law enforcement executives, line officers, and cadets. It should be included as part of the police training curriculum and advanced officer training. A well developed curricula would cover hate crime issues in basic training and an advanced course for officers assigned to specialized units or who are given responsibility for investigating hate crime reports. Law enforcement and college executives must understand the purpose for reporting and collecting hate crime data and responding to hate crimes or bias incidents. Their leadership is crucial for an adequate response. As part of the training curriculum, the purpose for reporting and responding to hate crimes must be stressed at these levels. Special emphasis should be placed on victim assistance and community relations in order to reduce victim trauma and community fear. Sensitivity to the needs of the college community helps law enforcement officers to identify hate crime and to resolve problems associated with it. Training in dealing with the diverse cultures of the campus and surrounding community and with bigotry and its concomitant levels of fear are just two topics which will enable officers to better identify bias motivation.

Objectives for hate crime training can be grouped into three areas: knowledge, attitudes, and skills. Knowledge objectives are directed to providing factual information regarding hate crimes, perpetrators, and victims. Attitude objectives focus on reducing latent prejudice and addressing concerns of officers. Skill objectives are concerned with introducing behaviors and investigative practices that encourage solving the case, preventing its repetition, and reducing its harm to the victim and to the public. These objectives may be summarized as follows.

Knowledge Objectives

To increase knowledge and understanding of the following:

1. History and nature of prejudice, discrimination, and intergroup conflict
2. Indicators of bias motivation
3. Free speech versus assault, intimidation, and "fighting words."
4. Cultural differences and their significance
5. Effects on victims and community
6. Importance of and procedures for filling out hate crime and bias incident report forms
7. Role of community organizations

Attitude Objectives

To change attitudes by:

1. Increasing sensitivity to and tolerance for cultural differences
2. Developing skills for dealing with fear, anger, and prejudice
3. Accepting involvement of community organizations

Behavior Objectives

Develop behaviors that:

1. Reduce stress, fear, and hostility
2. Identify and document evidence
3. Prevent recurrence of incidents
4. Monitor situations and provide education

5. Involve community groups

TRAINING METHODS

Methods used to assist police officers in hate crime training are important tools that help officers learn how to identify bias motivation, explore their devastating effects and offer concrete steps for dealing with perpetrators, victims, and the community at large. This includes the use of case studies, training videos, role enactments, and other methods. It is also useful to involve both advocacy organizations and law enforcement officials in mutual training.

Hypothetical and actual case studies and the viewing of training videos are two comprehensive ways in which police officers are able to better educate themselves on the issues of hate motivated violence. Case studies will enable the officers to classify the offense involved in each incident, document the facts of a possible bias motivated related crime, and give reasons for bias classification decisions. Training videos, through a series of simulated incidents, may explore the effects of hate crimes and provide questions and guidelines that can be helpful in conducting hate crime investigation. Analyzing these cases and videos will help the officer to better interpret who are the perpetrators of hate crimes, its effects on victims and the response of the community at large. Videos on bias crime are available from the Anti-Defamation League and from the National Center on Prejudice and Violence. Videos on prejudice and discrimination are also available from audiovisual departments of some libraries and colleges.

Role enactment is another useful aid for training on hate crime. Having law enforcement officers and community leaders take the role of victims or perpetrators can provide useful insight into the nature of the crime and its effects. It can also help to clarify obstacles to preventing, reporting, and investigating such incidents.

TRAINING FOR INVESTIGATION

Guidelines must present what needs to be learned from the victim, and how this information can be gathered in a forthright, yet sensitive, manner. The guidelines must be able to thoroughly describe the elements of hate crimes, who commits them, and their effects on victims and the community. These guidelines should also give definitions as to what are the roles of the responding officers on the scene of a perceived bias motivated incident. Proper investigatory procedures should be previewed so that the officers know what a proper investigation is in regard to bias motivation. These guidelines must emphasize that these types of crimes are as important as any other crime.

Because bias motivation is subjective, it is difficult to know with certainty whether a crime was the result of the offender's bias. Before an incident can be verified as a hate crime, sufficient objective facts must be present to lead a insightful person (such as, a supervising officer) to conclude that the offender's actions were motivated. Review of these cases by senior officers can facilitate the investigation and verification of the crime.

While no single fact may be conclusive, a pattern of evidence can be significant. A variety of facts support a finding of bias:

- (a) The offender and the victim were of different racial, religious, ethnic, sexual orientation, or handicapped groups.

- (b) Bias related oral comments, written statements, or gestures were made by the offender which indicate bias.
- (c) Bias related drawings, markings, symbols or graffiti were left at the crime scene.
- (d) Certain objects, items, or things which indicate bias were used or left behind by the offender.
- (e) The offender was previously involved in a similar hate crime or is a member of a hate group.
- (f) The victim is a member of a racial, religious, ethnic, sexual orientation, or handicap group which is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place.
- (g) The victim was visiting a neighborhood where previous hate crimes had been committed against the other members of a racial religious, ethnic, sexual orientation, or handicap group and where tensions remain high against the group.
- (h) The victim was engaged in activities promoting racial, religious, ethnic, sexual orientation, or handicap groups.
- (i) The victim or substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.
- (j) A historically established animosity exists between the victim's group and the offender group.
- (k) The victim, although not a member of the targeted racial, religious, ethnic, sexual orientation, or handicap group, is a member of an advocacy group supporting the precepts of the victim group.
- (l) The victim has recently moved to the dormitory, building, or neighborhood where the incident occurred.
- (m) Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic, sexual orientation, or handicap group.
- (n) The incident coincided with a holiday relating to, or a date of particular significance to a racial, religious, ethnic, sexual orientation, or handicap group.
- (o) There were indications that a hate group was involved.
- (p) Any clear other motivation for the incident is absent.

The above factors are not all inclusive of the types of objective facts which evidence bias motivation. Therefore, reporting agencies must examine each case for facts which clearly evidence that the offender's bias motivated him/her to commit the crime. There must be a case by case assessment of the facts. Agencies must be alert to misleading facts. Such would be the case if an epithet was used for

a victim's race, but the offender was of the same race. Agencies must also be aware of evidence left by offenders that falsify facts. A recent example was publicized in a burglary in the city of Milton where racist graffiti was used to cover-up a robbery.

The responding officers must be knowledgeable of the elements of a bias-related crime to interpret the pattern of evidence. If there is any indication that the offender was motivated by bias, the incident should be initially classified as such.

Police officers who respond to an alleged hate incident should begin no differently than any other crime. The responding officer must quickly evaluate what has happened and take any necessary action to stabilize the situation and preserve evidence of bias motivation. Victims want to remove offensive graffiti and symbols as soon as possible, but they need to be documented as evidence before their removal. After this has been done, there are two areas of concern which should be recognized: (1) sensitivity to the needs of the victim, and (2) the consequence of a bias crime.

The responding officer should be sensitive to the effects of a bias crime on a victim. A victim of any crime may feel isolated, fearful that the occurrence can happen again. This degree of fear is perpetuated by the fact that the victim of a hate crime has been chosen to be victimized for no other reason than their race, religion, ethnicity, sexual orientation, or handicap status. This type of personal experience can result in a feeling of external control over one's life. The responding officer, recognizing these dynamics, can address the special needs of the victim, thereby making it easier to elicit from the victim pertinent information concerning the offense. Another task of the responding officer is to determine whether additional resources are needed on the scene, such as community representatives, mental health professionals, and/or clergy.

If the pattern of evidence indicates that the offender was motivated by bias, the situation should be classified as a bias crime and the department's bias crime unit (or bias crime officer) should be notified. This unit (or officer) should be responsible for the investigation of all incidents reported as bias motivated. These investigations should also be overseen by a senior officer. This second level involvement becomes the decision making process for which the verification decision is made regarding the bias motivation of an offense. The personnel who make these final decisions must be distinctively trained to the point of being specialists. All incidents referred for hate crime investigation are to be reported to the state Crime Reporting Unit or included in either the FBI Uniformed Crime Report (UCR) or the National Incident Based Reporting System (NIBRS).

MODEL RESPONSES

Recommended responses have been provided by the Center for Democratic Renewal, the Anti-Defamation League, the New York Governor's Task Force on Bias Incidents, the Massachusetts Governor's Task Force on Hate Crime, and other sources. Elements of a model response can include:

- a. the head of campus security shall publicly announce the bias crime policy
- b. training at recruit school to increase sensitivity
- c. establish a special investigation unit or a designated civil rights officer
- d. assign responsibility for bias crime investigation to a supervisory officer
- e. prioritize bias crime investigation and response
- d. dispatch a unit to hate-violence call
- f. on-scene response

- g. document evidence of motivation
- h. follow-up investigation and follow-up visit to victim by high ranking officers
- i. consult community and campus leaders, tell them what is being done
- j. increase security and patrols in affected areas
- k. keep parties aware of progress and arrests
- l. sensitively address effects of hate crimes on victims and the campus community
- m. establish counseling and education programs for juveniles
- n. seek community input, ask what is best response
- o. provide balanced and appropriate media handling of incidents: adequate disclosure without aggravating tensions
- p. launch a public awareness campaign
- q. the department must share information with prosecutors, local police, and other appropriate agencies
- r. bias incidents must be properly reported to UCR or other statewide program

Some stress that if it looks like it might be bias-related, it should be reported as such and verified later during an investigation. It has been a serious problem that officers tend to generalize descriptions of incidents. Detailed descriptions are often needed to document the bias motivation. Sensitivity to issues of prejudice is variable among police officers. Incidents are relatively rare, and so officers do not readily identify an incident as bias-related. Police officers often are not open to interpretations of crimes in different ways. For instance, attempted robbery or simple assault would be a more likely interpretation of an incident than hate violence, particularly in the absence of overt racial, religious, ethnic, or homophobic slurs (ADL, 1988)

Some police departments require that a report shall be made regardless of whether or not a victim is willing to prosecute. Furthermore, if the motive is unclear, and it may be racial or religious hostility, it is reported as hate crime, to be verified in a subsequent investigation. A broad definition of hate crime and required specific indication of the incident seem to be necessary for maximum reporting of bias-related incidents — criminal and noncriminal.

Some policies include sexual orientation as "protected class" while others do not. A campus policy needs to be clear on this issue.

It is stated in most of the departments having policies that response to and investigation of bias crime will be prioritized. Quick action and follow-up are also noted in most. An emphasis on victim assistance and community cooperation to reduce fear or trauma is also needed. Some departments require an investigation of both criminal and noncriminal incidents. Most departments call for increased patrol in an area following an incident and they lay out in procedures a series of steps and supervisory positions to ensure that patrol is actually increased for several days, and to be sure other procedures are carried out.

TRAINING FOR POLICE BIAS

Inevitably, one of the most difficult obstacles to persuading police of the need to eradicate bias crime is the presence of bias in department personnel themselves. This is also true of prosecutors, the courts, and all of society; but bias among police has additional impact for several reasons. It discourages victim reporting of bias crime (McDevitt, 1989). Even when bias crimes are so reported, police may fail to treat them as such (McDevitt, 1989). Investigation by this projects personnel documented that official police hate crime reports did not always match with those known to have been sent to police by advocacy

organizations.

Most seriously, bias among officers can lead to bias motivated violence perpetrated by police themselves. Advocacy organizations queried by the author reported incidents of police violence motivated by prejudice. Most of these were reported anonymously because victims feared retaliation, so followup to these reports was not possible.

A 1988 New York study found evidence of bias crimes perpetrated by police. Among its recommendations were:

- 1) Step up minority recruitment by police departments (minority representation still is not proportional to the population at large)
- 2) Give more attention to non-lethal police technology and practices regarding use of force
- 3) Tighten up screening of applicants to weed out racist officer candidates

When officers provide examples of how to deal with hate crime, the entire community benefits.

COORDINATION WITH OTHER AGENCIES

The overall effectiveness of law enforcement agencies responding to bias incidents can be bolstered through guidelines which cultivate inter-agency training, multi-agency law enforcement, and information exchange. The impact that inter-agency cooperation and training can have upon the hate crime problem is much greater than that of a single agency.

Cooperative relationships must be developed with prosecutors, and other concerned federal, state and local law enforcement agencies, as appropriate. All in law enforcement must combine their efforts to remove the affliction of racial violence and discrimination. Involvement of advocacy organizations, religious organizations, and educational institutions will strengthen law enforcement responses and the efficacy of its intervention.

Incident reports can be shared with prosecutorial offices, such as the Attorney General or local District or State's Attorneys, to involve victim assistance programs and force of law where necessary. An increasing number of prosecutors have staff that can advise campus police regarding appropriate actions to take.

GROUP AND INDIVIDUAL HATE CRIME

Law enforcement agencies face the annual question "who commits hate crimes?" The answer often is "no one knows." Through evidence such as graffiti, vandalism, witness statements, victim testimony or previous history of similar pattern of hate behavior, law enforcement officers may be able to conclude who committed such an act. Another question is raised, "was it a group or was it an individual?" Law enforcement officers must be trained so that they are able to decipher the evidence of a hate crime and obtain an accurate count of who or whom perpetrated the incident.

Individuals crimes appear to be cowardly acts committed to harass individual victims. Phone threats and spray painted racial slurs are common identifiers to an individual attack of hate crime. One on one confrontations are premeditated by a particular bias that a person may have for race, religion, ethnic background, sexual orientation or handicap group. Individuals crimes appear to happen more often than group crime because group activity in the Commonwealth seems to be limited.

The group concept of hate is more frightening. Group crimes are spineless abuses committed to create fear and intimidation. They can be regarded as a form of domestic terrorism. Law enforcement agencies must realize that there is an actual organization doing something in an active way in terms of violence, harassment and graffiti. Military formation, neo-Nazi literature and pamphlets are classic identifiers of organized hate groups. These groups often have in their possession baseball bats knives, and other weapons. Law enforcement authorities need to find out whether this is the extent of their violence or if they are just starting a more extensive campaign. Also, an important aspect to remember with an organized hate group is that they may be linked to other hate groups, such as the Ku Klux Klan or the White Aryan Resistance. Authorities need to understand this so that the groups do not effectively become a threat and cause fear in people throughout the state.

Investigating these violent supremacist groups can be very difficult. They organize themselves into tightly knit brotherhoods that are extremely hard to penetrate. As a result, information can be very difficult to obtain. A paramilitary structure for such organizations is common, as are illegal weapon's caches.

HATE CRIME REPORTING SYSTEM

Officers and community organizations need training in the hate crime reporting system for one's state. Data collection is a very prominent aspect in hate crime reporting. Collecting data sends the message that hate crimes are severe and serious crimes. Data can assist in the development of more efficient law enforcement efforts regarding hate crime. The knowledge of incidence and geographic location of hate crime can help communities acknowledge and address the problem through community education efforts. Also, with accurate and complete data we can better understand the conditions which precipitate hate violence.

The Federal Hate Crime Statistics legislation requires the Attorney General to begin collecting hate crime data. Bias data collection must be maintained as an important tool in the fight against hate crimes. Many states have enacted legislation requiring a state agency to collect data on acts of violence motivated by racial, religious, ethnic, sexual orientation and handicap prejudice. In Massachusetts, the hate crime reporting system is run by the Criminal History Systems Board. Such legislation is necessary to determine the definitive magnitude of the problem of hate.

Collection of data in many states is tied to participation in the FBI Uniform Crime Reporting system. If a campus police department does not participate in the UCR or NIBRS systems, it should be encouraged to do so as a way of enhancing its capacity to collect and report data on hate crime on the campus.

A major emphasis in developing an approach for collecting hate crime data has been to avoid placing major new reporting burdens on law enforcement authorities. To accomplish this a collection approach has been developed. The object of the collection was to indicate whether the offender was motivated to commit the offense because of bias against a racial, religious, ethnic, sexual orientation or handicap group. Because of the difficulty of uncovering the offender's subjective motivation, bias is to be reported only if the investigation reveals sufficient objective facts to lead to a reasonable and advisable person to conclude that the offender's actions were motivated by bias.

Because hate crimes are not separate, distinct crimes, but rather criminal offenses motivated by the offender's bias, it is considered unnecessary to create a whole new crime category. There are many

kinds of bias but some are more common than others. The types of bias motivations to be reported are limited. The types of bias to be reported to the FBI's UCR (Uniformed Crime Report) section are limited to those mandated by the enabling act, i.e. bias based on race, religion, ethnicity, sexual orientation, and handicap status.

There are two formats for reporting hate crime data to the FBI's UCR section. One is by the Quarterly Hate Crime Report and the other is by the addition of a data element for NIBRS (National Incident Based Reporting System) participants. The UCR system collects information about law enforcement operations, crimes reported, arrests, and law enforcement personnel resources. Four times a year the majority of law enforcement agencies tally certain facts concerning hate crimes brought to their attention and then report those quarterly summaries to the FBI. For each offense reported, NIBRS data elements will also be collected where available. Incident information, offense, victim, property, offender, and arrestee descriptors are included.

SUMMARY WHAT CAMPUS POLICE CAN DO

- **DEVELOP A PLAN AND WRITTEN PROCEDURES FOR POLICE RESPONSE**
- **PARTICIPATE IN UCR, NIBRS, OR STATE HATE CRIME REPORTING PROGRAM**
- **RECEIVE TRAINING IN HANDLING HATE CRIME**
- **REVIEW COMPLAINTS AGAINST OFFICERS FOR EVIDENCE OF BIAS**
- **PROVIDE LEADERSHIP IN OPPOSING HATE CRIME**
- **PROVIDE GUEST LECTURES FOR CLASSES DEALING WITH PREJUDICE, DISCRIMINATION, INTER-GROUP CONFLICT, OR SIMILAR ISSUES**
- **PROVIDE VICTIM ASSISTANCE**
- **EDUCATE CAMPUS ORGANIZATIONS ON REPORTING AND RESPONDING TO HATE CRIMES**
- **COORDINATE WITH AFFIRMATIVE ACTION OFFICERS, SEXUAL HARASSMENT OFFICERS, AND CAMPUS ORGANIZATIONS**
- **SHARE INFORMATION WITH MUNICIPAL POLICE AND PROSECUTORS**